

1 AN ACT concerning employment.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Prevailing Wage Act is amended by changing
5 Sections 2, 3, 4, 6, 9, 11, and 11b as follows:

6 (820 ILCS 130/2) (from Ch. 48, par. 39s-2)

7 Sec. 2. Applicability; definitions. This Act applies to the
8 wages of laborers, mechanics and other workers employed in any
9 public works, as hereinafter defined, by any public body and to
10 anyone under contracts for public works. This includes any
11 maintenance, repair, assembly, or disassembly work performed
12 on equipment whether owned, leased, or rented.

13 As used in this Act, unless the context indicates
14 otherwise:

15 "Public works" means all fixed works constructed by any
16 public body, other than work done directly by any public
17 utility company, whether or not done under public supervision
18 or direction, or paid for wholly or in part out of public
19 funds. "Public works" as defined herein includes all projects
20 financed in whole or in part with bonds issued under the
21 Industrial Project Revenue Bond Act (Article 11, Division 74 of
22 the Illinois Municipal Code), the Industrial Building Revenue
23 Bond Act, the Illinois Finance Authority Act, the Illinois

1 Sports Facilities Authority Act, or the Build Illinois Bond
2 Act, and all projects financed in whole or in part with loans
3 or other funds made available pursuant to the Build Illinois
4 Act. "Public works" also includes all projects financed in
5 whole or in part with funds from the Fund for Illinois' Future
6 under Section 6z-47 of the State Finance Act, funds for school
7 construction under Section 5 of the General Obligation Bond
8 Act, funds authorized under Section 3 of the School
9 Construction Bond Act, funds for school infrastructure under
10 Section 6z-45 of the State Finance Act, and funds for
11 transportation purposes under Section 4 of the General
12 Obligation Bond Act. "Public works" also includes all projects
13 financed in whole or in part with funds from the Department of
14 Commerce and Economic Opportunity under the Illinois Renewable
15 Fuels Development Program Act for which there is no project
16 labor agreement. "Public works" also includes all projects at
17 leased facility property used for airport purposes under
18 Section 35 of the Local Government Facility Lease Act. Public
19 works" also includes (1) all projects located in an enterprise
20 zone as defined in the Illinois Enterprise Zone Act, excepting
21 projects performed by a business enterprise located in an
22 enterprise zone where that business enterprise existed prior to
23 the adoption of an initiating ordinance pursuant to subsection
24 (a) of Section 5 of the Illinois Enterprise Zone Act, or
25 projects located in an economic development project area as
26 defined in the Economic Development Project Area Tax Increment

1 Allocation Act of 1995, excepting projects performed by a
2 business enterprise located in an economic development project
3 area where that business enterprise existed prior to a
4 municipality initiating an economic development plan as
5 defined in the Economic Development Project Area Tax Increment
6 Allocation Act of 1995, or (2) regardless of the exceptions
7 contained in clause (1), any project that will derive a
8 financial benefit, in whole or in part, from loans, grants,
9 subsidies, incentives, or other financial benefit made
10 available pursuant to the Illinois Enterprise Zone Act or the
11 Economic Development Project Area. Provided however, "public
12 works" shall not include projects at an owner-occupied single
13 family residence, excepting single-family tract housing, or at
14 an owner-occupied multi-family residence with 6 or fewer units
15 located in an enterprise zone or an economic development
16 project area.

17 "Construction" means all work on public works involving
18 laborers, workers or mechanics. This includes any maintenance,
19 repair, assembly, or disassembly work performed on equipment
20 whether owned, leased, or rented.

21 "Locality" means the county where the physical work upon
22 public works is performed, except (1) that if there is not
23 available in the county a sufficient number of competent
24 skilled laborers, workers and mechanics to construct the public
25 works efficiently and properly, "locality" includes any other
26 county nearest the one in which the work or construction is to

1 be performed and from which such persons may be obtained in
2 sufficient numbers to perform the work and (2) that, with
3 respect to contracts for highway work with the Department of
4 Transportation of this State, "locality" may at the discretion
5 of the Secretary of the Department of Transportation be
6 construed to include two or more adjacent counties from which
7 workers may be accessible for work on such construction.

8 "Public body" means the State or any officer, board or
9 commission of the State or any political subdivision or
10 department thereof, or any institution supported in whole or in
11 part by public funds, and includes every county, city, town,
12 village, township, school district, irrigation, utility,
13 reclamation improvement or other district and every other
14 political subdivision, district or municipality of the state
15 whether such political subdivision, municipality or district
16 operates under a special charter or not.

17 The terms "general prevailing rate of hourly wages",
18 "general prevailing rate of wages" or "prevailing rate of
19 wages" when used in this Act mean the hourly cash wages plus
20 fringe benefits for training and apprenticeship programs
21 approved by the U.S. Department of Labor, Bureau of
22 Apprenticeship and Training, health and welfare, insurance,
23 vacations and pensions paid generally, in the locality in which
24 the work is being performed, to employees engaged in work of a
25 similar character on public works.

26 "Contractor" or "subcontractor" means any person or entity

1 who undertakes to, offers to undertake to, purports to have the
2 capacity to undertake to, submits a bid to, or does himself or
3 herself or by or through others, engage in public works.

4 (Source: P.A. 94-750, eff. 5-9-06; 95-341, eff. 8-21-07.)

5 (820 ILCS 130/3) (from Ch. 48, par. 39s-3)

6 Sec. 3. Requirements to pay prevailing wage. Not less than
7 the general prevailing rate of hourly wages for work of a
8 similar character on public works in the locality in which the
9 work is performed, and not less than the general prevailing
10 rate of hourly wages for legal holiday and overtime work, shall
11 be paid to all laborers, workers and mechanics employed by or
12 on behalf of any public body engaged in the construction of
13 public works. This includes any maintenance, repair, assembly,
14 or disassembly work performed on equipment whether owned,
15 leased, or rented. Laborers ~~Only such laborers,~~ workers, and
16 mechanics ~~as are~~ directly employed by contractors or
17 subcontractors in actual construction work on the site of the
18 building or construction job shall be deemed to be employed
19 upon public works. Laborers, and laborers, workers, and
20 mechanics engaged in the transportation of materials and
21 equipment to or from the site, but not including the
22 transportation by the sellers and suppliers or the manufacture
23 or processing of materials or equipment, in the execution of
24 any contract or contracts for public works with any public body
25 shall also be deemed to be employed upon public works. The wage

1 for a tradesman performing maintenance is equivalent to that of
2 a tradesman engaged in construction. All contractors and
3 subcontractors required to pay the prevailing wage under this
4 Act shall make payment of such wages in legal tender, without
5 any deduction for food, sleeping accommodations,
6 transportation, use of tools, or any other thing of any kind or
7 description.

8 (Source: P.A. 95-341, eff. 8-21-07.)

9 (820 ILCS 130/4) (from Ch. 48, par. 39s-4)

10 Sec. 4. Ascertaining prevailing wage; compliance.

11 (a) The public body awarding any contract for public works
12 ~~work~~ or otherwise undertaking any public works, shall ascertain
13 the general prevailing rate of hourly wages in the locality in
14 which the work is to be performed, for each craft or type of
15 worker or mechanic needed to execute the contract, and where
16 the public body performs the work without letting a contract
17 therefor, shall ascertain the prevailing rate of wages on a per
18 hour basis in the locality. Such ~~, and such~~ public body shall
19 specify in the resolution or ordinance and in the call for bids
20 for the contract, that the general prevailing rate of wages in
21 the locality for each craft or type of worker or mechanic
22 needed to execute the contract or perform such work, also the
23 general prevailing rate for legal holiday and overtime work, as
24 ascertained by the public body or by the Department of Labor
25 shall be paid for each craft or type of worker needed to

1 execute the contract or to perform such work. ~~and it~~

2 (a-1) It shall be mandatory upon the contractor to whom the
3 contract is awarded and upon any subcontractor under him, and
4 where the public body performs the work, upon the public body,
5 to pay not less than the specified rates to all laborers,
6 workers and mechanics employed by them in the execution of the
7 contract or such work; provided, however, that if the public
8 body desires that the Department of Labor ascertain the
9 prevailing rate of wages, it shall notify the Department of
10 Labor to ascertain the general prevailing rate of hourly wages
11 for work under contract, or for work performed by a public body
12 without letting a contract as required in the locality in which
13 the work is to be performed, for each craft or type of worker
14 or mechanic needed to execute the contract or project or work
15 to be performed. Upon such notification the Department of Labor
16 shall ascertain such general prevailing rate of wages, and
17 certify the prevailing wage to such public body.

18 (a-2) The public body or other entity awarding the contract
19 shall cause to be inserted in the project specifications and
20 the contract a stipulation to the effect that not less than the
21 prevailing rate of wages as found by the public body or
22 Department of Labor or determined by the court on review shall
23 be paid to all laborers, workers and mechanics performing work
24 under the contract.

25 (a-3) When a public body or other entity covered by this
26 Act has awarded work to a contractor without a public bid,

1 contract or project specification, such public body or other
2 entity shall comply with subsection (a-2) by providing the
3 contractor with written notice on the purchase order related to
4 the work to be done or on a separate document indicating that
5 not less than the prevailing rate of wages as found by the
6 public body or Department of Labor or determined by the court
7 on review shall be paid to all laborers, workers, and mechanics
8 performing work on the project.

9 (a-4) Where a complaint is made and the Department of Labor
10 determines that a violation occurred, the Department of Labor
11 shall determine if proper written notice under this Section 4
12 was given. If proper written notice was not provided to the
13 contractor by the public body or other entity, the Department
14 of Labor shall order the public body or other entity to pay any
15 interest, penalties or fines that would have been owed by the
16 contractor if proper written notice were provided. The failure
17 by a public body or other entity to provide written notice does
18 not relieve the contractor of the duty to comply with the
19 prevailing wage rate, nor of the obligation to pay any back
20 wages, as determined under this Act. For the purposes of this
21 subsection, back wages shall be limited to the difference
22 between the actual amount paid and the prevailing rate of wages
23 required to be paid for the project. The failure of a public
24 body or other entity to provide written notice under this
25 Section 4 does not diminish the right of a laborer, worker, or
26 mechanic to the prevailing rate of wages as determined under

1 this Act.

2 (b) It shall also be mandatory upon the contractor to whom
3 the contract is awarded to insert into each subcontract and
4 into the project specifications for each subcontract a written
5 stipulation to the effect that not less than the prevailing
6 rate of wages shall be paid to all laborers, workers, and
7 mechanics performing work under the contract. It shall also be
8 mandatory upon each subcontractor to cause to be inserted into
9 each lower tiered subcontract and into the project
10 specifications for each lower tiered subcontract a stipulation
11 to the effect that not less than the prevailing rate of wages
12 shall be paid to all laborers, workers, and mechanics
13 performing work under the contract. A contractor or
14 subcontractor who fails to comply with this subsection (b) is
15 in violation of this Act.

16 (b-1) When a contractor has awarded work to a subcontractor
17 without a contract or contract specification, the contractor
18 shall comply with subsection (b) by providing a subcontractor
19 with a written statement indicating that not less than the
20 prevailing rate of wages shall be paid to all laborers,
21 workers, and mechanics performing work on the project. A
22 contractor or subcontractor who fails to comply with this
23 subsection (b-1) is in violation of this Act.

24 (b-2) Where a complaint is made and the Department of Labor
25 determines that a violation has occurred, the Department of
26 Labor shall determine if proper written notice under this

1 Section 4 was given. If proper written notice was not provided
2 to the subcontractor by the contractor, the Department of Labor
3 shall order the contractor to pay any interest, penalties, or
4 finances that would have been owed by the subcontractor if proper
5 written notice were provided. The failure by a contractor to
6 provide written notice to a subcontractor does not relieve the
7 subcontractor of the duty to comply with the prevailing wage
8 rate, nor of the obligation to pay any back wages, as
9 determined under this Act. For the purposes of this subsection,
10 back wages shall be limited to the difference between the
11 actual amount paid and the prevailing rate of wages required
12 for the project. However, if proper written notice was not
13 provided to the contractor by the public body or other entity
14 under this Section 4, the Department of Labor shall order the
15 public body or other entity to pay any interest, penalties, or
16 finances that would have been owed by the subcontractor if proper
17 written notice were provided. The failure by a public body or
18 other entity to provide written notice does not relieve the
19 subcontractor of the duty to comply with the prevailing wage
20 rate, nor of the obligation to pay any back wages, as
21 determined under this Act. For the purposes of this subsection,
22 back wages shall be limited to the difference between the
23 actual amount paid and the prevailing rate of wages required
24 for the project. The failure to provide written notice by a
25 public body, other entity, or contractor does not diminish the
26 right of a laborer, worker, or mechanic to the prevailing rate

1 of wages as determined under this Act.

2 (c) A public body or other entity ~~It~~ shall also require in
3 all contractor's and subcontractor's ~~such contractor's~~ bonds
4 that the contractor or subcontractor include such provision as
5 will guarantee the faithful performance of such prevailing wage
6 clause as provided by contract or other written instrument. All
7 bid specifications shall list the specified rates to all
8 laborers, workers and mechanics in the locality for each craft
9 or type of worker or mechanic needed to execute the contract.

10 (d) If the Department of Labor revises the prevailing rate
11 of hourly wages to be paid by the public body, the revised rate
12 shall apply to such contract. The Department of Labor shall
13 make the revised rate available on its official website and
14 such posting on the website shall be deemed notice to the
15 contractor or subcontractor of the revised rate. The contractor
16 or subcontractor shall be responsible to pay the revised rate ~~7~~
17 ~~and the public body shall be responsible to notify the~~
18 ~~contractor and each subcontractor, of the revised rate.~~

19 (e) (Blank) ~~Two or more investigatory hearings under this~~
20 ~~Section on the issue of establishing a new prevailing wage~~
21 ~~classification for a particular craft or type of worker shall~~
22 ~~be consolidated in a single hearing before the Department. Such~~
23 ~~consolidation shall occur whether each separate investigatory~~
24 ~~hearing is conducted by a public body or the Department. The~~
25 ~~party requesting a consolidated investigatory hearing shall~~
26 ~~have the burden of establishing that there is no existing~~

1 ~~prevailing wage classification for the particular craft or type~~
2 ~~of worker in any of the localities under consideration.~~

3 (f) It shall be mandatory upon the contractor or
4 construction manager to whom a contract for public works is
5 awarded to post, at a location on the project site of the
6 public works that is easily accessible to the workers engaged
7 on the project, the prevailing wage rates for each craft or
8 type of worker or mechanic needed to execute the contract or
9 project or work to be performed. In lieu of posting on the
10 project site of the public works, a contractor which has a
11 business location where laborers, workers, and mechanics
12 regularly visit may: (1) post in a conspicuous location at that
13 business the current prevailing wage rates for each county in
14 which the contractor is performing work; or (2) provide such
15 laborer, worker, or mechanic engaged on the public works
16 project a written notice indicating the prevailing wage rates
17 for the public works project. A failure to post or provide a
18 prevailing wage rate as required by this Section is a violation
19 of this Act.

20 (g) Beginning January 1, 2010, every public body awarding
21 any contract for a public works project or otherwise
22 undertaking any public works project shall notify the
23 Department of Labor in writing, on a form prescribed by the
24 Department of Labor, whenever a project subject to the
25 provisions of this Act is awarded or undertaken. The
26 notification mentioned herein shall be filed with the

1 Department of Labor within 30 days after such contract is
2 awarded or within 30 days before commencement of a public works
3 project, and shall include a list of all first-tier
4 subcontractors.

5 (Source: P.A. 95-331, eff. 8-21-07.)

6 (820 ILCS 130/6) (from Ch. 48, par. 39s-6)

7 Sec. 6. Penalties. Any officer, agent or representative of
8 any public body who wilfully violates, or omits to comply with,
9 any of the provisions of this Act, and any contractor or
10 subcontractor, or agent or representative thereof, doing
11 public work as aforesaid, who wilfully violates, or omits to
12 comply with, any of the provisions of this Act ~~neglects to~~
13 ~~keep, or cause to be kept, an accurate record of the names,~~
14 ~~occupation and actual wages paid to each laborer, worker and~~
15 ~~mechanic employed by him, in connection with the public work or~~
16 ~~who refuses to allow access to same at any reasonable hour to~~
17 ~~any person authorized to inspect same under this Act,~~ is guilty
18 of a Class A misdemeanor.

19 The Department of Labor shall inquire diligently as to any
20 violation of this Act, shall institute actions for penalties
21 herein prescribed, and shall enforce generally the provisions
22 of this Act. The Attorney General shall prosecute such cases
23 upon complaint by the Department or any interested person.

24 (Source: P.A. 94-488, eff. 1-1-06.)

1 (820 ILCS 130/9) (from Ch. 48, par. 39s-9)

2 Sec. 9. Duties of the Department of Labor and public
3 bodies. To effectuate the purpose and policy of this Act each
4 public body shall, during the month of June of each calendar
5 year, investigate and ascertain the prevailing rate of wages as
6 defined in this Act and publicly post or keep available for
7 inspection by any interested party in the main office of such
8 public body its determination of such prevailing rate of wage
9 and shall promptly file, no later than July 15 of each year, a
10 certified copy thereof in the office of the Secretary of State
11 at Springfield and the office of the Illinois Department of
12 Labor.

13 The Department of Labor shall during the month of June of
14 each calendar year, investigate and ascertain the prevailing
15 rate of wages for each county in the State. If a public body
16 does not investigate and ascertain the prevailing rate of wages
17 during the month of June as required by the previous paragraph,
18 then the prevailing rate of wages for that public body shall be
19 the rate as determined by the Department under this paragraph
20 for the county in which such public body is located.

21 Where the Department of Labor ascertains the prevailing
22 rate of wages, it is the duty of the Department of Labor within
23 30 days after receiving a notice from the public body
24 authorizing the proposed work, to conduct an investigation to
25 ascertain the prevailing rate of wages as defined in this Act
26 and such investigation shall be conducted in the locality in

1 which the work is to be performed. The Department of Labor
2 shall send a certified copy of its findings to the public body
3 authorizing the work and keep a record of its findings
4 available for inspection by any interested party in the office
5 of the Department of Labor at Springfield.

6 The public body except for the Department of Transportation
7 with respect to highway contracts shall within 30 days after
8 filing with the Secretary of State, or the Department of Labor
9 shall within 30 days after filing with such public body,
10 publish in a newspaper of general circulation within the area
11 that the determination is effective, a notice of its
12 determination and shall promptly mail a copy of its
13 determination to any employer, and to any association of
14 employers and to any person or association of employees who
15 have filed their names and addresses, requesting copies of any
16 determination stating the particular rates and the particular
17 class of workers whose wages will be affected by such rates.

18 At any time within 30 days after the Department of Labor
19 has published on its official web site a prevailing wage
20 schedule, any person affected thereby may object in writing to
21 the determination or such part thereof as they may deem
22 objectionable by filing a written notice with the public body
23 or Department of Labor, whichever has made such determination,
24 stating the specified grounds of the objection. It shall
25 thereafter be the duty of the public body or Department of
26 Labor to set a date for a hearing on the objection after giving

1 written notice to the objectors at least 10 days before the
2 date of the hearing and said notice shall state the time and
3 place of such hearing. Such hearing by a public body shall be
4 held within 45 days after the objection is filed, and shall not
5 be postponed or reset for a later date except upon the consent,
6 in writing, of all the objectors and the public body. If such
7 hearing is not held by the public body within the time herein
8 specified, the Department of Labor may, upon request of the
9 objectors, conduct the hearing on behalf of the public body.

10 The public body or Department of Labor, whichever has made
11 such determination, is authorized ~~in its discretion~~ to hear
12 each timely filed written objection. Two or more hearings under
13 this Section on the issue of establishing a new prevailing wage
14 classification for a particular craft or type of worker shall
15 be consolidated in a single hearing before the Department. Such
16 consolidation shall occur whether each separate hearing is
17 conducted by a public body or the Department. The party
18 requesting a consolidated hearing shall have the burden of
19 establishing that there is no existing prevailing wage
20 classification for the particular craft or type of worker in
21 any of the localities under consideration ~~filed separately or~~
22 ~~consolidate for hearing any one or more written objections~~
23 ~~filed with them.~~ At any such hearing the public body or
24 Department of Labor shall introduce in evidence the
25 investigation it instituted which formed the basis of its
26 determination, and the public body or Department of Labor, or

1 any interested objectors may thereafter introduce such
2 evidence as is material to the issue. Thereafter, the public
3 body or Department of Labor, must rule upon the written
4 objection and make such final determination as it believes the
5 evidence warrants, and promptly file a certified copy of its
6 final determination with such public body and the Secretary of
7 State, and serve a copy by personal service or registered mail
8 on all parties to the proceedings. The final determination by
9 the Department of Labor or a public body shall be rendered
10 within 30 days after the conclusion of the hearing.

11 If proceedings to review judicially the final
12 determination of the public body or Department of Labor are not
13 instituted as hereafter provided, such determination shall be
14 final and binding.

15 The provisions of the Administrative Review Law, and all
16 amendments and modifications thereof, and the rules adopted
17 pursuant thereto, shall apply to and govern all proceedings for
18 the judicial review of final administrative decisions of any
19 public body or the Department of Labor hereunder. The term
20 "administrative decision" is defined as in Section 3-101 of the
21 Code of Civil Procedure.

22 Appeals from all final orders and judgments entered by the
23 court in review of the final administrative decision of the
24 public body or Department of Labor, may be taken by any party
25 to the action.

26 Any proceeding in any court affecting a determination of

1 the Department of Labor or public body shall have priority in
2 hearing and determination over all other civil proceedings
3 pending in said court, except election contests.

4 In all reviews or appeals under this Act, it shall be the
5 duty of the Attorney General to represent the Department of
6 Labor, and defend its determination. The Attorney General shall
7 not represent any public body, except the State, in any such
8 review or appeal.

9 (Source: P.A. 93-38, eff. 6-1-04.)

10 (820 ILCS 130/11) (from Ch. 48, par. 39s-11)

11 Sec. 11. Failure to comply; civil remedies.

12 (a) No public works project shall be instituted unless the
13 provisions of this Act have been complied with. The provisions
14 of this Act shall not be applicable to Federal construction
15 projects which require a prevailing wage determination by the
16 United States Secretary of Labor. The Illinois Department of
17 Labor represented by the Attorney General is empowered to sue
18 for injunctive relief against the awarding of any contract or
19 the continuation of work under any contract for public works at
20 a time when the prevailing wage prerequisites have not been
21 met. Any contract for public works awarded at a time when the
22 prevailing wage prerequisites had not been met shall be void as
23 against public policy and the contractor is prohibited from
24 recovering any damages for the voiding of the contract or
25 pursuant to the terms of the contract. The contractor is

1 limited to a claim for amounts actually paid for labor and
2 materials supplied to the public body. Where objections to a
3 determination of the prevailing rate of wages or a court action
4 relative thereto is pending, the public body shall not continue
5 work on the project unless sufficient funds are available to
6 pay increased wages if such are finally determined or unless
7 the Department of Labor certifies such determination of the
8 prevailing rate of wages as correct.

9 Any laborer, worker or mechanic employed by the contractor
10 or by any sub-contractor under him who is paid for his services
11 in a sum less than the stipulated rates for work done under
12 such contract, shall have a right of action for whatever
13 difference there may be between the amount so paid, and the
14 prevailing rate of wages required to be paid on the public
15 works project ~~rates provided by the contract~~ together with
16 costs and such reasonable attorney's fees as shall be allowed
17 by the court. Such contractor or subcontractor shall also be
18 liable to the Department of Labor for 20% of such underpayments
19 and shall be additionally liable to the laborer, worker or
20 mechanic for punitive damages in the amount of 2% of the amount
21 of any such penalty to the State for underpayments for each
22 month following the date of payment during which such
23 underpayments remain unpaid. Where a second or subsequent
24 action to recover underpayments is brought against a contractor
25 or subcontractor and the contractor or subcontractor is found
26 liable for underpayments to any laborer, worker, or mechanic,

1 the contractor or subcontractor shall also be liable to the
2 Department of Labor for 50% of the underpayments payable as a
3 result of the second or subsequent action, and shall be
4 additionally liable to the laborer, worker, or mechanic for
5 punitive damages in the amount of ~~for~~ 5% of the amount of any
6 such penalty to the State for underpayments for each month
7 following the date of payment during which the underpayments
8 remain unpaid. The Department shall also have a right of action
9 on behalf of any individual who has a right of action under
10 this Section. An action brought to recover same shall be deemed
11 to be a suit for wages, and any and all judgments entered
12 therein shall have the same force and effect as other judgments
13 for wages. At the request of any laborer, workman or mechanic
14 employed by the contractor or by any subcontractor under him
15 who is paid less than the prevailing wage rate required by this
16 Act, the Department of Labor may take an assignment of such
17 wage claim in trust for the assigning laborer, workman or
18 mechanic and may bring any legal action necessary to collect
19 such claim, and the contractor or subcontractor shall be
20 required to pay the costs incurred in collecting such claim.

21 (b) The Director of the Department of Labor shall publish
22 in the Illinois Register no less often than once each calendar
23 quarter a list of contractors or subcontractors found to have
24 disregarded their obligations to employees under this Act. The
25 Department of Labor shall determine the contractors or
26 subcontractors who, on 2 separate occasions within 5 years,

1 have been determined to have violated the provisions of this
2 Act. Upon such determinations the Department shall notify the
3 violating contractor or subcontractor. Such contractor or
4 subcontractor shall then have 10 working days to request a
5 hearing by the Department on the alleged violations. Failure to
6 respond within the 10-working-day period shall result in
7 automatic and immediate placement and publication on the list.
8 If the contractor or subcontractor requests a hearing within
9 the 10-working-day period, the Director shall set a hearing on
10 the alleged violations. Such hearing shall take place no later
11 than 45 calendar days after the receipt by the Department of
12 Labor of the request for a hearing. The Department of Labor is
13 empowered to promulgate, adopt, amend, and rescind rules and
14 regulations to govern the hearing procedure. No contract shall
15 be awarded to a contractor or subcontractor appearing on the
16 list, or to any firm, corporation, partnership, or association
17 in which such contractor or subcontractor has an interest,
18 until 4 years have elapsed from the date of publication of the
19 list containing the name of such contractor or subcontractor.

20 (Source: P.A. 94-488, eff. 1-1-06.)

21 (820 ILCS 130/11b)

22 Sec. 11b. Discharge or discipline of "whistle blowers"
23 prohibited.

24 (a) No person shall discharge, discipline, or in any other
25 way discriminate against, or cause to be discharged,

1 disciplined, or discriminated against, any employee or any
2 authorized representative of employees by reason of the fact
3 that the employee or representative has filed, instituted, or
4 caused to be filed or instituted any proceeding under this Act,
5 or has testified or is about to testify in any proceeding
6 resulting from the administration or enforcement of this Act,
7 or offers any evidence of any violation of this Act.

8 (b) Any employee or a representative of employees who
9 believes that he has been discharged, disciplined, or otherwise
10 discriminated against by any person in violation of subsection
11 (a) of this Section may, within 60 ~~30~~ days after the alleged
12 violation occurs, apply to the Director of Labor for a review
13 of the discharge, discipline, or alleged discrimination. A copy
14 of the application shall be sent to the person who allegedly
15 committed the violation, who shall be the respondent. Upon
16 receipt of an application, the Director shall cause such
17 investigation to be made as he or she deems appropriate. The
18 investigation shall provide an opportunity for a public hearing
19 at the request of any party to the review to enable the parties
20 to present information relating to the alleged violation. The
21 parties shall be given written notice of the time and place of
22 the hearing at least 30 ~~5~~ days before the hearing. Upon
23 receiving the report of the investigation, the Director shall
24 make findings of fact. If the Director finds that a violation
25 did occur, he or she shall issue a decision incorporating his
26 or her findings and requiring the party committing the

1 violation to take such affirmative action to abate the
2 violation as the Director deems appropriate, including, but not
3 limited to, the rehiring or reinstatement of the employee or
4 representative of employees to his or her former position and
5 compensating him or her for the time he or she was unemployed.
6 The party committing the violation shall also be liable to the
7 Department of Labor for a penalty of \$5,000 for each violation
8 of this Section. If the Director finds that there was no
9 violation, he or she shall issue an order denying the
10 application. An order issued by the Director under this Section
11 shall be subject to judicial review under the Administrative
12 Review Law.

13 (c) The Director shall adopt rules implementing this
14 Section in accordance with the Illinois Administrative
15 Procedure Act.

16 (Source: P.A. 94-488, eff. 1-1-06.)

17 (820 ILCS 130/11a rep.)

18 Section 10. The Prevailing Wage Act is amended by repealing
19 Section 11a.

20 Section 99. Effective date. This Act takes effect upon
21 becoming law.

1 INDEX

2 Statutes amended in order of appearance

3	820 ILCS 130/2	from Ch. 48, par. 39s-2
4	820 ILCS 130/3	from Ch. 48, par. 39s-3
5	820 ILCS 130/4	from Ch. 48, par. 39s-4
6	820 ILCS 130/6	from Ch. 48, par. 39s-6
7	820 ILCS 130/9	from Ch. 48, par. 39s-9
8	820 ILCS 130/11	from Ch. 48, par. 39s-11
9	820 ILCS 130/11b	
10	820 ILCS 130/11a rep.	